

LAND USE

Testimony of Robert Fiore

SUMMARY OF CONCLUSIONS

The proposed Orange Grove project (OGP), with the effective implementation of staff's recommended conditions of certification would be consistent with the applicable laws, ordinances, regulations, and standards (LORS) pertaining to state and local land use planning, and would not generate a significant impact under the "Land Use Planning" and "Agricultural Resources" sections in the California Environmental Quality Act (CEQA) guidelines.

INTRODUCTION

In this section, staff evaluates the proposed project using the "Land Use Planning" and "Agriculture Resources" sections in the CEQA Guidelines to determine if the project would introduce a significant impact under CEQA, and if the project would comply with applicable state and local LORS pertaining to land use planning and agriculture resources.

LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

Land Use Table 1 provides a general description of federal, state and local LORS pertaining to land use planning and agriculture resources relevant to the proposed project site. The project's consistency with these LORS is discussed in **Land Use Table 3**. The project site does not involve federal managed lands; therefore, there are no identified applicable federal land use related LORS affecting the proposed project.

Land Use Table 1
Laws, Ordinances, Regulations, and Standards

Applicable Law	Description
State	California
California Land Conservation Act of 1965, SS 51200	Regulates agricultural preserve lands.
Local	County of San Diego
General Plan - Regional Land Use Element, Section 2.5	General Agriculture is the subject parcels' land use designation. The Regional Land Use Element (RLUE), Section 2.5 states that General Agriculture land use is "applied to areas where agricultural use is encouraged, protected and facilitated. This designation is intended to facilitate agricultural use as the dominant land use."
General Plan - Regional Land Use Element, Section 1.6	The proposed project site is designated as an Environmentally Constrained Area (ECA) in RLUE Section 1.6. An ECA includes "floodplains, lagoons, areas with construction quality sand deposits, rock quarries, agricultural preserves, areas containing rare and endangered plant and animal species".
General Plan - Conservation Element	Policy 2 in Chapter 6 of the Conservation Plan states that, "the County will analyze, improve and promote methods for preserving agriculture".
General Plan - Conservation Element	<p>"The Conservation Element is for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers, and other waters, harbors, fisheries, wildlife, minerals, and other natural resources."</p> <p>The conservation Plan identifies the planning area where the subject site is located as Resource Conservation Area and Unique Geologic Feature.</p>
General Plan - Pala/Pauma Subregional Plan	Policies in this Plan are primarily concerned with urban sprawl and leapfrog development.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Zoning for the proposed OGP site is A72 General Agricultural. Both parcels, APN 110-072-26 and APN 110-370-01, are zoned A72. Section 2722 lists permitted uses in general agricultural zoning. Energy projects are permitted within this zoning with a Major Use Permit. Section 2725 lists types of uses that would be permitted upon approval of Major Use Permit findings and includes Major Impact Services and Utilities.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4200 regulates minimum lot area. According to the County's GIS property profile for APN 110-072-026 the minimum lot area is 10,000 square feet and for APN 110-370-01 the minimum lot area is 40 acres.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4300 regulates building type. The building type for each parcel is attached and detached.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4600 regulates building height. The maximum permitted height of buildings for the two parcels is 35 feet and two stories.

Applicable Law	Description
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4620 provides exceptions to height limit restrictions. It states that “any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.”
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4800 regulates setbacks. The front-yard setback for the two parcels is 60 feet from any abutting public street or private thoroughfare. The interior side-yard setback for the two parcels is 15 feet as measured from the lot line. The exterior side-yard setback for the two parcels is 35 feet as measured from the centerline of the abutting street. The rear-yard setback for the two parcels is 25 feet as measured from the rear lot line. Where a rear yard opens onto an alley, public park, or other permanent open space, 1/2 of the width of such alley, public park, or other permanent open space, may be considered as applying to the rear yard setback to the extent of not more than 50% of the required rear yard setback.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 5100 regulates Agricultural Preserve Area (APA). The two parcels have an Agricultural Preserve Area special regulation according the County's GIS property profile. Section 5110 provides additional use permit findings for APA parcels.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 5500 regulates Flood Plain Area (FPA). The two parcels are partially designated as FPA special regulation according to the County's GIS property profile. Buildings on such designated properties must be engineered to minimize impacts from flooding and stormwater runoff.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6300 regulates commercial and industrial outdoor lighting.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6700 regulates fences, walls, screening and landscaping.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6750 regulates parking.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6800 regulates enclosures. Enclosure means the degree that the storage and display of goods may be open and/or visible from public rights-of-way.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6200 & 6250 regulates signs.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 7350 provides use permit procedures.

SETTING

The subject site for the proposed OGP is a former citrus grove. It is located in northern San Diego County between Interstate 15 (I15) and the community of Pala on State Route 76 (SR 76), Pala Road. This proposed project site is approximately 55 acres though the building footprint is proposed to occupy approximately 8.5 acres.

Major landform features include the San Luis Rey River and a significant ridgeline west of the proposed project site. The north side of the San Luis Rey River Valley, within the vicinity of the project site, has experienced human encroachment. This valley has been impacted by humans as evidenced by the former dairy farms, former agricultural uses, former quarry, nursery and sparse residential dwellings within the project vicinity. Also, as evidenced by the closing of nearby dairy farms and likely economic strains of smaller agriculture production (San Diego County General Plan, Conservation Element, Page X-76), this area appears increasingly less productive. In addition, SR 76 provides the main route between urban San Diego to the popular casino gaming in Pala.

Northern San Diego County, within the vicinity of the project, exhibits a rural character. It is also characterized by mountainous terrain, many minor ravines and the San Luis Rey River, a County designated Resource Conservation Area. The minor ravines or creeks feed the San Luis Rey River. Where these ravines or creeks join with the San Luis Rey River the land becomes gently sloping. Since the area is mountainous, parcels of quality gently sloping terrain are not common and development is sparse.

Three residential dwellings are within close proximity of the site. Other uses within close proximity of the site include a former mining operation, former dairy farm, nursery and vacant land. There are no major concentrations of population in the region. The unincorporated community of Pala is approximately two miles east of the proposed project site. Residential dwellings are interspersed throughout the region near this site but are not concentrated enough to qualify as communities. Fallbrook is the largest community near the proposed project site, but is approximately eight miles to the west. SR 76 is the major east-west traffic corridor providing regional access to the proposed project site. Approximately four miles west of the proposed project site, Interstate 15 (I 15) is the major north-south traffic route in the region. (See **Land Use Figure 1**)

PROJECT SITE AND VICINITY

The project site is located on two parcels, assessor's parcel numbers (APN) 110-072-26 and (APN) 110-370-01, that encompass 55 acres. APN 110-072-26 encompasses approximately 41 acres and APN 110-370-01 encompasses 14 acres.

OGP proposes leasing approximately eight acres of the 55 acres for the power plant facilities (see **Land Use Figure 2**). Of the eight acre leased area, power plant project facilities are proposed to be sited on the larger of the two parcels. Project ancillary uses, such as parking, are proposed on the contiguous smaller parcel. A storage yard and a San Diego Gas & Electric (SDG&E) sub-station currently occupy the smaller parcel. Parking would be located between the storage yard and the power plant facilities. Pala Del Norte Road (private) provides access to the proposed project and transects the smaller parcel and is located near the western boundary of the larger parcel.

The leased eight acre power plant facility site exhibits a gently sloping terrain with elevations near 450 feet on the north and near 375 feet on the south. There is virtually no slope east to west. Surrounding landforms exhibit steeper slopes unlike the fairly level proposed project site. A large portion of the 55 acre proposed project site was cultivated as a citrus orchard (see **Land Use Figure 3**).

According to the applicant, SDG&E owns the subject parcels and the large parcels to the west of the subject site. Orange Grove Energy, L.P. (OGE) will lease the 8.5-acre portion of the proposed project site from SDG&E.

There is an existing substation and storage yard located on the smaller parcel of the proposed project site. Other existing facilities close to the project site include a SDG&E 230-kV transmission line that traverses the region, north and south, approximately a quarter mile to the east of the subject property. A SDG&E 69-kV transmission line extends from the substation along SR 76 and then heads south adjacent to the 230-kV transmission line. The proposed transmission interconnection line would connect the substation and power plant and the proposed natural gas pipeline would traverse alongside SR 76. Land uses along the proposed transmission and pipeline corridors are characterized by sparse residential development, a major transportation corridor, former agricultural farming and dairies and former quarry.

COMPATIBILITY WITH EXISTING SURROUNDING LAND USES

Land Use-Table 2 is provided to more easily assess compatibility with surrounding land uses and zoning. The major surrounding land uses, include two former dairies approximately one mile to the southwest, a former gravel quarry directly to the south, a nursery to the east and three residential dwellings approximately a half mile north of the proposed project site. Also, SR 76 east-west arterial is a major arterial that borders the southeastern boundary of the subject project site.

The proposed project is not consistent with the San Diego County General Plan (SDGP) designations north, east and west of the proposed project site but is consistent with the zoning surrounding the proposed site, which permits Major Impact Services and Utilities by Major Use Permit. The proposed project is compatible with some existing uses but is not compatible with other existing uses. The former quarry may be considered a compatible use because of the physical landform changes to the area and that the former dairies have structures comparable in scale, bulk, coverage and intensity.

The vacant land adjacent to the north and west currently presents an incompatibility with respect to inconsistency in uses, not in scale, size, color, architectural design, etc. Vacant parcels and the proposed new facility would be inconsistent in development pattern because it introduces a use not previously established on adjacent parcels. The proposed power plant would introduce a new use not previously established on the subject site or adjacent parcels to the residential dwellings approximately a half mile north of the site and to passersby's. In addition, a commercial recreational facility is located $\frac{3}{4}$ of a mile southeast of the proposed project site. This recreation facility will not be impacted with respect to land use planning considerations.

However, the Gregory Canyon Landfill is a future land use adjacent to the site that would present compatibility with the proposed power plant. In addition, the subject parcels for the OGP and parcels proposed for the Gregory Canyon Landfill are designated as Public/ Semi-Public Facilities on the General Plan Update Maps, published on the San Diego County Department of Planning and Land Use web-site. Both the Gregory Canyon Landfill, proposed for adjacent parcels, together with the proposed Public/ Semi-Public Facilities land use designation by the SDGP Update may indicate that the proposed project site will be well suited for the proposed power plant.

Determining compatibility with adjacent uses includes evaluating and assessing potential significant impacts with respect to noise, air quality, visual resources, etc. A project may generate a potential significant environment impact related to land use if it would introduce an unmitigated air quality, noise, public health hazard, or water supply affect on surrounding properties. A project's land use compatibility is not limited to the "land use" technical section of the Staff Assessment, but applies to multiple technical sections within the SA and is better addressed under those specific sections. For a more detailed discussion, see the **AIR QUALITY, NOISE AND VIBRATION, PUBLIC HEALTH, VISUAL RESOURCES** and **SOIL AND WATER RESOURCES** sections in this Staff Analysis (SA).

Land Use Table 2
Vicinity Land Use and Zoning

Parcel¹	Direction	Acres	General Plan Land Use	Zoning	Existing Use
110-072-26	Subject Site	41	General Agriculture	A72 ²	vacant and former orchard
110-370-01	Subject Site	14	General Agriculture	A72	storage and substation
110-072-17	North of Site	109	Multiple Rural Use	A70 ³	vacant with three residences approximately 1/2 mile north
110-072-28&30	East of Site	11/2	General Agriculture	A72	vacant
110-072-31&27	East of Site	7/.5	Impact sensitive	A72	vacant
110-370-02,03,04&05	East of Site	.7/.9/2/4	Impact sensitive	A72	former quarry
110-150-25	South of Site	187	Public/ Semi-Public Lands	SWF ⁴	former quarry
110-150-02	West of Site	89	Multiple Rural Use	A70	vacant
110-072-06	West of Site	43	Multiple Rural Use	A70	vacant
Transmission Interconnection & Gas Pipeline	Subject Site & Surrounding		General Agriculture, Public/ Semi-Public Lands, Multiple Rural Use	A70, A72 & SWF	vacant, ROW, former dairy, former farming
Reclaimed Water Pickup	Subject Site & Surrounding	43	Public/ Semi-Public Lands	A70	wastewater treatment plant-residential subdivisions
Fresh Water Pickup	Subject Site & Surrounding	9	Estate Residential	A70	vacant-rural residential

1. Parcels listed clockwise around subject parcels and if same assessors book and page, multiple lot numbers listed in row

2. General Agricultural, preserve areas for crops and animal raising - production and processing

3. Limited Agricultural, preserve areas for crops - minor processing

4. Solid Waste Facility

Sources:

1. Acres were obtained from assessor maps contained in Appendix 1-A, OGP AFC 2008.

2. Parcel, land use and zoning was obtained from the County of San Diego GIS mapping application.

3. Existing use information was obtained from the OGP AFC, Figures 6.9-4A, 6.9-4B and 6.9-4C.

ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION

METHOD AND THRESHOLD FOR DETERMINING SIGNIFICANCE

To determine whether there is a potentially significant land use impact generated by a proposed project, staff reviewed the project using the 2008 CEQA Guidelines

Appendix G Environmental Checklist pertaining to “Land Use and Planning.” The checklist questions include the following:

- A. Would the project physically divide an established community?
- B. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- C. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

To determine whether there is a potentially significant agriculture resources impact generated by a proposed project, staff reviewed the 2008 CEQA Guidelines Appendix G Environmental Checklist pertaining to “Agriculture Resources.” In making this determination, staff used the California Agricultural Land Evaluation and Site Assessment (LESA) Model prepared by the California Department of Conservation to help address the following checklist questions:

- A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- B. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
- C. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

A project may also generate a potential significant environmental impact related to land use if it would introduce an unmitigated air quality, noise, public health hazard, or water supply affect on surrounding properties. See the **AIR QUALITY, NOISE, PUBLIC HEALTH**, and **SOIL AND WATER RESOURCES** sections of the SA for a detailed discussion of potential project impacts and mitigation.

DIRECT/INDIRECT IMPACTS AND MITIGATION

The impact discussion is presented under the following two CEQA headings; Land Use Planning and Agriculture Resources. The CEQA checklist questions have been presented in bold.

LAND USE PLANNING

A. Would the project physically divide an established community?

The proposed project would not physically divide an established community. The community of Pala is the closest established community. It is approximately two miles east from the site. Pala is part of the larger Pala Indian Reservation. The proposed project site is approximately one mile to the west of the Pala Indian

Reservation boundary. Since, the proposed project site is outside of this boundary it would not divide this community.

The proposed project would generate a less than significant environmental impact regarding this matter.

B. Would the project conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

California Government Code, Title 5, Division 1, Part 1, Chapter 7, California Land Conservation Act (CLCA) of 1965 (aka Williamson Act)

The purpose of this statute is to regulate and conserve agricultural land. California Land Conservation Act (CLCA), Section 51231, empowers the local government to establish and administer agricultural preserves. Agricultural preserve is defined by CLCA, Section 51201 (d), as “an area devoted to either agricultural use...in accordance with the provisions of this chapter.”

Compatible use is defined by CLCA, Section 51201 (e), and states:

Compatible use is any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. Compatible use includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter.

In AFC Section 6.9.3.2, the applicant states that the proposed project complies with the CLCA, Section 51238 (a) (1), regarding compatibility. CLCA, Section 51238 (a) (1), states:

Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve. It is further stated in CLCA, Section 51238 (b), “the board of supervisors may impose conditions on lands or land uses to be placed within preserves to permit and encourage compatible uses in conformity with Section 51238.1, particularly public outdoor recreational uses.

The discussion pertaining to CLCA presented above is to help determine whether the proposed project would conflict with any land use planning policy for the purposes of avoiding or mitigating an environmental effect. CLCA is applicable to the proposed project because the San Diego County Zoning Ordinance provides a special Agricultural Preserve Area (APA) overlay for the subject parcels. County Zoning Ordinance, Section 5100, states that the purpose of the APA is to aid the implementation of the CLCA, pursuant to Section 51201 (d). The APA is an overlay

for the zoning district established by the County to comply with the CLCA as a means of identifying significant agricultural parcels that may qualify as contracted lands.

Since the proposed project site is an Agricultural Preserve by zoning, it is consistent with CLCA, Section 51201 (d). Consequently, the APA zoning overlay requires findings for uses within an Agricultural Preserve. Compatibility is one of the findings required for an APA. CLCA, Section 51201 (e), definition of compatible use and CLCA, Section 51238 (a) (1), determination of compatible use, is presented above for the Energy Commission's consideration because a finding of compatibility cannot be made except as provided by CLCA, Section 51238 (a) (1). Otherwise, the project would conflict with agricultural preserve policy because the proposed project is currently incompatible with adjacent uses.

Energy Commission staff considered the following two factors in determining that "electrical facility", as cited in Section 51238 (a) (1), includes power plants, making the proposed project compatible with adjacent uses:

1. The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission's standard request for local government input. The County's letter states that the "the proposed project is compatible with the Agricultural Preserve (Pala #15)."
2. Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and are consistent with the County's General Plan.

County of San Diego Zoning Ordinance

Zoning for the subject parcels is A72, General Agricultural. Major Impact Services and Utilities are permitted within the A72 zoning district with the approval of a Major Use Permit (MUP). In addition, the subject parcels have an APA overlay so the project requires findings for MUP and APA. MUP findings are discussed in the **LORS Compliance** discussion contained in this Land Use Planning Analysis. Zoning and use permits are not land use policies for the purposes of avoiding or mitigating an environmental effect. However, the APA zoning overlay is a land use planning policy for the purposes of avoiding or mitigating an environmental effect.

Agricultural Preserve Area Regulations are found in Section 5100 of the County's Zoning Ordinance. As discussed above, the purpose of the APA is to "aid in the implementation of the California Land Conservation Act of 1965 (Government Code Sec. 51200 et seq.), intended to encourage the preservation of productive agricultural lands." It further states in Section 5102 of the County's Zoning Ordinance,

An agricultural preserve designator shall be applied to those lands in the County of San Diego which are subject to agricultural use regulations or the Use Regulations and which have been designated as being within an agricultural preserve in accordance with the California Land Conservation Act of 1965.

Section 5105 of the San Diego County Zoning Ordinance establishes restrictions on uses for APA designated lands as follows:

- b. Lands Not Under Contract. The uses of land not subject to a Land Conservation Act contract shall be as set forth in the applicable use regulations (A72, zoning) except that:
 - 1. All uses subject to a minor use permit or a major use permit shall be approved only if a finding is made that the use complies with the provisions of Section 5110.

According to the APA regulations, the proposed project's parcels are subject to the Use Regulations of the CLCA and Zoning Ordinance. The use, therefore, must comply with the findings of the APA and MUP.

The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission's standard request for local government input. The letter states that the "the proposed project requires findings for APA."

The findings required for the APA are found in Section 5110 of the San Diego County Zoning Ordinance as follows:

- A. State Statute. The proposed use complies with all provisions of the California Land Conservation Act of 1965; and
- B. Compatibility with Agricultural Use. The proposed use would not be incompatible with the continued agricultural use of any land within the agricultural preserve. This determination shall include a consideration of the following:
 - 1. Possible increase in vandalism;
 - 2. Possible damage from pets;
 - 3. Possibility that use will lead to restrictions on agricultural spraying, noise or smell; and
 - 4. Possible interference with the movement of farm machinery or agricultural products.

The Energy Commission must adopt the following APA findings to permit the proposed power plant use:

- A. With respect to compliance with all the provisions of California Land Conservation Act (CLCA, Williamson Act), a power plant does not meet the intent and purpose of the CLCA with respect to agricultural preservation and conservation, except as provided by CLCA, Section 51238 (a) (1).
- B. With respect to compatibility of continued agricultural use, the proposed project is compatible with the continued agricultural use of lands within the agricultural preserve based on the following:

1. The subject site is in a California Department of Conservation mapped Farmland of Statewide Importance. As discussed herein, **Agricultural Resources**, the proposed project site parcels are less than suitable for agricultural use.
2. Continued agricultural use in the Agricultural Preserve is not likely considering that the SDGP Update (proposed but not adopted) depicts the property as Public/ Semi-Public Facilities on the SDGP Update Maps published on the County's web site. In addition, the Gregory Canyon Landfill is proposed on one adjacent parcel and for a large area within the vicinity of the project.
3. The proposed project is located in a rural area and an increase in vandalism is not likely, damage from pets is unlikely since the proposed project is non-residential, agricultural spraying is not proposed and will not interfere with the movement of farm machinery or agricultural products.

The Energy Commission must also adopt the MUP findings, contained in the **LORS Compliance** discussion to fully comply with the APA regulations.

The proposed project would generate a less than significant environmental impact because, Energy Commission staff considered the following two factors in determining "electrical facility", as cited in Section 51238 (a) (1), includes power plants making the proposed project compatible with adjacent uses:

1. The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission's standard request for local government input. The County's letter states that the "the proposed project is compatible with the Agricultural Preserve (Pala #15)."
2. Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and are consistent with the SDGP.

The required APA and MUP findings are provided herein.

C. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed project may conflict with a habitat conservation plan or natural community conservation plan pertaining to land use planning. The project falls under the jurisdiction of the North County Community Conservation Plan and Multiple Species Conservation Program. The Plan and Program are not land use planning policy documents but are biological resource documents. Consistency with the Plan and Program is further discussed in the **BIOLOGICAL RESOURCES** section of the Staff Analysis.

AGRICULTURE RESOURCES

CEQA guidelines allow a lead agency the option of using the Important Farmland Maps prepared by California Department of Conservation (CDC) or the LESA (California Agricultural Land Evaluation and Site Assessment Model) to determine the level of

significance for agricultural environmental impact. Energy Commission staff consulted CDC Important Farmland Maps as a means to identify whether the proposed project would impact important farmlands. Project facilities would be located on lands designated as Farmlands of Local Importance by CDC.

Since the proposed project site is designated as Farmlands of Local Importance, Energy Commission staff used the LESA Model to help determine significant environmental effects to agriculture resources potentially caused by the proposed project. The LESA Model was developed to provide lead agencies with an optional method to ensure that potentially significant effects of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code, section 21095). The LESA Model was used to address the CEQA checklist questions bolded below.

The LESA Model is composed of six different factors. Two “Land Evaluation” factors are based upon measures of soil resource quality. Four “Site Assessment” factors provide measures of a given project’s size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project’s potential significance, based upon a range of established scoring thresholds.

A. Would the project convert prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use?

A portion of the 55-acre proposed project site is mapped by the California Department of Conservation (CDC), Farmland Mapping and Monitoring Program as “Farmland of Local Importance” (CDC 2006) (see **Land Use Figure 4**). In addition, the County has placed a special regulation “A”, Agricultural Preserve Area designator on the two subject parcels.

Sustainability is a growing concern for most communities. In determining agricultural resource significance for this project site the LESA Model is a worthy option because the proposed project site is a Farmland of Local Importance, though not considered a Farmland of Statewide Importance (CDC 2006, San Diego County Important Farmland Map).

Staff completed a LESA Model worksheet for the 55 acre project site (see **APPENDIX LU-1**) to determine the level of significant impact if the subject parcel is taken out of agricultural land use. To conduct analysis of impacts, the following governmental resources were consulted or used to complete the LESA Model Worksheet:

1. United States Department of Agriculture (USDA), Natural Resources Conservation Service Web Soil Survey, 2008
(<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)

The Web Soil Survey mapped the types of soils for the site.

2. USDA Soil Survey for San Diego, California, 1973

The Soil Survey report was consulted to determine the land capability level and Storie Index.

3. California Department of Conservation (CDC), Farmland Mapping and Monitoring Program

The Important Farmland Map for San Diego maps portions of the subject parcels as Farmland of Local Importance

The LESA Model score generated for the project's potential conversion of 55 acres was 23.99 points. A score of 0 to 39 points is not considered significant as shown on Table 9 California Agricultural LESA Model, Instruction Manual, Section IV Scoring Thresholds – Making Determinations of Significance Under CEQA.

The proposed project's conversion of 55 acres would generate a less than significant impact.

B. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed project site is zoned A72, General Agricultural, by the county of San Diego. The project site is surrounded by property with A70, Limited Agricultural, A72, General Agricultural, and Solid Waste Facility (SWF) zoning (see **Land Use Table 2**).

The purpose of discussing the County's Zoning Ordinance is to determine whether the project would conflict with existing zoning for agricultural use. Major Impact Services and Utilities are permitted with the approval of a Major Use Permit (see LORS Compliance contained herein below). An Agricultural Preserve Area (APA) overlay is associated with the zoning for the subject site and parcels east of the site. The APA regulates agricultural use.

Zoning Ordinance Use Regulations

The A70 Use Regulations are intended to create and preserve areas intended primarily for agricultural crop production. Additionally, a limited number of small farm animals may be kept and agricultural products raised on the premises may be processed.

The A72 Use Regulations are intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial activities associated with crop and livestock production. Typically, the A72 Use Regulations would be applied to areas distant from large urban centers where the dust, odor, and noise of agricultural operations would not interfere with urban uses, and where urban development would not encroach on agricultural uses.

The purpose of the APA is to aid in the implementation of the California Land Conservation Act of 1965 (Government Code Sec. 51200 et seq.), intended to encourage the preservation of productive agricultural lands.

Land Use Table-2 lists zoning and uses surrounding the subject site. The proposed project conflicts with existing zoning for the subject site and surrounding parcels. Though the subject site and surrounding parcels' zoning permit Major Impact Services and Utilities by MUP, it conflicts with the zoning for agricultural use and APA overlay for the subject site and the parcels to the east of the subject site.

The 55-acre parcel is not affected by an executed Williamson Act contract.

Energy Commission staff considered the following two factors in determining "electrical facility", as cited in Section 51238 (a) (1), includes power plants making the proposed project compatible with adjacent uses:

1. The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission's standard request for local government input. The County's letter states that the "the proposed project is compatible with the Agricultural Preserve (Pala #15)."
2. Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and are consistent with the County's General Plan.

The required APA and MUP findings are provided herein.

The proposed project's conversion of 55 acres would generate a less than significant impact

C. Would the project involve other changes in the existing environment which, due to their location or nature could result in conversion of farmland, to non-agricultural use?

The proposed transmission line interconnection would begin at the power plant, exits the project site via the main access driveway and then follows Pala Del Norte Road to the existing substation. Since there is an existing road that the transmission interconnection line will follow, anticipated impacts are minimal.

According to the Application for Certification (AFC), the proposed project's natural gas pipeline would extend from the project site to an existing main natural gas transmission line at Rice Canyon Road and SR 76 and parallels SR 76. The proposed natural gas pipeline traverses along Pala Del Norte Road, vacant hillsides, two former dairy sites and the existing SR 76 right-of-way (ROW). Similar to the transmission line interconnection, the proposed natural gas pipeline follows Pala Del Norte Road to the substations then it exits the proposed project site and follows the existing SR 76 ROW for a short distance. It exits SR 76 ROW and traverses west through vacant hillside along contours and existing unpaved roads. This vacant hillside land is not mapped as agricultural lands of importance by the Department of Conservation (CDC, 2006). The proposed natural gas

pipeline then traverses west along SR 76 ROW to the connection point at Rice Canyon Road. For approximately ¼ of a mile this pipeline would be adjacent to lands mapped as Prime Farmland by the CDC and under Williamson Act contracts, however, the pipeline is proposed to be placed underground in existing ROW. According to the AFC, Agriculture and Soils Section, the vegetation, primarily grass species and coastal sage scrubs, will be removed and soil will be manipulated. Upon construction completion, disturbed areas will be reseeded with native grasses and coastal sage scrubs. (AFC, Page 6.4-8)

The County has placed a special regulation APA designator on many of the parcels along the proposed natural gas pipeline route. An APA designator was not placed on the parcels where the pipeline traverses the vacant hillside. The vacant hillside is the only significant land parcel that the proposed natural gas pipeline traverses outside of existing ROW. Though the “A” designator is assigned to all other parcels where the natural gas pipeline would traverse, these lands have been disturbed by SR 76 ROW or traverses parcels where significant human disturbance has occurred.

The reclaimed water pick-up station is located on an existing wastewater treatment facility. In light of the existing use, this parcel does not exhibit agricultural significant qualities.

The fresh water pick up station is located in between two roadways and is not on lands mapped as important farmlands by CDC. Though the parcels to the south of this proposed site are mapped as Farmland of Local importance and soil types qualify as Farmland of Statewide Importance (AFC, Section 6.4), surrounding land use patterns and existing roadways reduces the feasibility for significant agricultural value, especially considering a waterline easement and an unpaved roadway transect the site.

The proposed project would generate a less than significant environmental impact regarding this matter.

CUMULATIVE IMPACTS AND MITIGATION

As defined in Section 15355 of the CEQA Guidelines (California Code of Regulations, Title 14), a cumulative impact is created as a result of the combination of the project under consideration together with other existing or reasonably foreseeable projects causing related impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Staff has considered the proposed project’s incremental effect together with other closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project (Pub. Resources Code section 21083; Cal. Code Regs., tit.14, sections 15064(h), 15065(c), 15130, and 15355.)

The area of concern for planning purposes can be more precisely defined as the area along the proposed natural gas pipeline corridor and the San Luis Rey River valley from

Rice Canyon Road to the Pala Indian reservation. Projects outside of the projects' sphere-of-influence (within one mile from the proposed site and ¼ of a mile from the proposed gas pipeline) are not considered for purposes of determining cumulative impacts. There are no planned projects or proposed General Plan, Specific Plan or Zoning changes within the planning area of concern. Cumulative impacts related to traffic, noise, visual resources, biological resources, etc. are evaluated in the relevant sections of the SA.

The proposed project is not expected to make a significant contribution to regional impacts related to new development and growth (population immigration), and the resultant increase demand for public services, and expansion of public infrastructure.

Staff has reviewed Census 2000 information (maps) that show there is a minority population of greater than 50% within a six-mile radius of the proposed project site but not a low-income population of greater than 50% within a six-mile radius of the proposed project site (see **SOCIOECONOMICS** section of this SA and **Socioeconomics Figure 1**). Staff found no potential significant adverse impacts related to land use planning and agriculture resources. The proposed project does not introduce a significant land use planning or agriculture resources impact related to an environmental justice issue.

COMPLIANCE WITH LORS

Land Use Table 3 (below) provides a summary description of the applicable state and local LORS and the proposed project's consistency with these LORS. Conditions of Certification are proposed to make a project conform to LORS where appropriate. This section focuses on LORS requiring more extensive discussion regarding basis for compatibility.

CALIFORNIA GOVERNMENT CODE, TITLE 5, DIVISION 1, PART 2, CHAPTER 5, LOCAL GOVERNMENT REORGANIZATION ACT

The purpose of this statute is to regulate orderly growth and development and regulates the formation, reorganization and annexation of local government and special district boundaries. It is referred to in the AFC in the Land Use Section 6.9. Typically, the Local Government Reorganization Act is a land use planning matter however, due to the type of project and emergency services issues, the matter is discussed further in the **WORKER SAFETY AND FIRE SAFETY SECTION** of the SA.

CALIFORNIA GOVERNMENT CODE, TITLE 5, DIVISION 1, PART 1, CHAPTER 7, CALIFORNIA LAND CONSERVATION ACT (CLCA) OF 1965 (AKA WILLIAMSON ACT)

The purpose of this statute is to regulate and conserve agricultural land. The CLCA, Section 51231, empowers the local government to establish and administer agricultural preserves. Agricultural preserve is defined by CLCA, Section 51201 (d), as "an area devoted to either agricultural use, as defined in subdivision (b), recreational use as defined in subdivision (n), or open-space use as defined in subdivision (o), or any combination of those uses and which is established in accordance with the provisions of this chapter."

In addition, the County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission's standard request for local government input. The letter states that the "the proposed project is compatible with the Agricultural Preserve (Pala #15)." Since Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and the County states that the project is "compatible" then the Energy Commission must determine whether a power plant falls under the definition of electrical facility as cited in CLCA, Section 51238 (a) (1).

Since the proposed project site is an Agricultural Preserve by zoning, it is consistent with CLCA, Section 51201 (d). Consequently, the APA zoning overlay requires findings for uses within an Agricultural Preserve. Compatibility is one of the findings required for an APA. CLCA, Section 51201 (e), definition of compatible use and CLCA, Section 51238 (a) (1), determination of compatible use, is presented above for the Energy Commission's consideration because a finding of compatibility cannot be made except as provided by CLCA, Section 51238 (a) (1). The proposed project is compatible with adjacent uses based on the following:

1. The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission's standard request for local government input. The County's letter states that the "the proposed project is compatible with the Agricultural Preserve (Pala #15)."
2. Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and are consistent with the SDGP.

GENERAL AGRICULTURE LAND USE DESIGNATION

The proposed site for the OGP includes two parcels. The San Diego County APN's for these two parcels are 110-072-26 and 110-370-01. Both parcels are designated by the County's General Plan Regional Land Use Element, Section 2.5 as (20) General Agriculture. The County's (20) General Agriculture land use designation's purpose is to protect agricultural and supportive agricultural uses compatible with adjacent land uses.

The proposed project would not conflict with the SDGP designation for the subject parcels. According to the General Plan Regional Land Use Element Compatibility Matrix, page II-50, A70 and A72 zoning is consistent with the (20) General Agriculture land use designation.

SAN DIEGO COUNTY GENERAL PLAN CONSERVATION ELEMENT POLICIES

The Conservation Element does not contain prohibitive land use planning policies. Consequently, the proposed project does not conflict with the policies of the San Diego County General Plan Conservation Element regarding land use planning. Policies of the Conservation Element are provided to ensure the protection, conservation and utilization of resources within this special planning area. If not for the exclusive authority of the Energy Commission, the County would be required to implement the policies of the Conservation Element.

Chapter 1 in the Conservation Element refers to the San Luis Rey River as a Resource Conservation Area (RCA) for Bonsall. Bonsall is an area in unincorporated San Diego County where the subject site is located. An RCA is a land use planning area of special concern. The Conservation Element implements policies pertaining to Water, Vegetation and Wildlife Habitat, Minerals, Soils, Astronomical Dark Sky and Cultural Resources and are not land use regulatory planning policies but are important to implement through conditions to ensure resource protection, etc. The Plan states, "this overlay identifies lands requiring special attention in order to conserve resources in a manner best satisfying public and private objectives. The appropriate implementation actions will vary depending upon the conservation objectives of each resource but may include scenic or natural resource preservation overlay zones. Resource conservation areas shall include but are not limited to groundwater problem areas, coastal wetlands, native wildlife habitats, construction quality sand areas, littoral sand areas, astronomical dark sky areas, unique geological formations, and significant archaeological and historical sites." Implementing policies pertain to Water, Vegetation and Wildlife Habitat, Minerals, Soils, Astronomical Dark Sky and Cultural Resources and are not land use regulatory planning policies.

Chapter 5 of the Conservation Plan states that, "banks of the San Luis Rey River, a few miles southwest of Pala are within the Unique Geological feature of Indian Mountain Leucogranodiorite. A unique feature may be the best example of its kind locally or regionally, it may illustrate a geologic principle, it may provide a key piece of geologic information, it may be the "type locality" of a fossil or formation, or it may have high aesthetic appeal. Unique geologic features may be exposed or created from natural weathering and erosion processes or from man-made excavations. Again, the implementation of conditions to ensure resource protection, conservation and proper utilization is required in this special planning area.

Since the San Luis River is a Resource Conservation Area, it is important to consider these policies relative to the areas of specialization. Please see the **VISUAL RESOURCES, WATER RESOURCES, BIOLOGICAL RESOURCES, GEOLOGY, SOILS,** and **CULTURAL RESOURCES** sections of the SA.

The proposed project does not conflict with the Conservation Plan Chapter 6, Agricultural Policy 2. This policy states "the County will analyze, improve and promote methods for preserving agriculture. " This Chapter of the Conservation Element and this policy does not contain prohibitive or restrictive land use planning policies.

The Astronomical Dark Sky section of the Conservation Plan is applicable to RCA's and is augmented by the County Light Pollution Code. Zone A, according to the Code, is a 15-mile radius from either the Palomar Mountain or Mount Laguna Mountain Observatory. Since the project is located in Zone A, project design elements must comply with the County Light Pollution Code. These Code requirements are discussed further in the **VISUAL RESOURCES** section of the SA.

ZONING ORDINANCE

Section 2700 of the San Diego County's Zoning Ordinance established the subject parcels zoning. The current zoning for the subject site is A72, "General Agricultural". Major Impact Services and Utilities are permitted with the approval of a Major Use Permit.

Section 2725 of the County of San Diego Zoning Ordinance lists types of uses that would be permitted upon approval of Major Use Permit findings and includes Major Impact Services and Utilities. Approval of the Major Use Permit is subject to making findings pursuant the Section 7358 of the County's Zoning Ordinance. If not for the exclusive authority of the Energy Commission, the San Diego County Board of Supervisor would be required to prepare the findings to authorize the Major Use Permit.

The findings required for Major Use Permits are as follows:

- A. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - 1. Harmony in scale, bulk, coverage and density;
 - 2. The availability of public facilities, services and utilities;
 - 3. The harmful effect, if any, upon desirable neighborhood character;
 - 4. The generation of traffic and the capacity and physical character of surrounding streets;
 - 5. The suitability of the site for the type and intensity of use or development which is proposed; and to
 - 6. Any other relevant impact of the proposed use; and
- B. The impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the SAGP,
- C. The requirements of the California Environmental Quality Act (CEQA) have been complied with.

Potential Major Use Permit Findings

The Energy Commission must adopt the following findings for the proposed project to be in compliance with applicable LORS.

- A. With respect to compatibility with adjacent land uses and giving consideration to scale, bulk, coverage, density, the availability of public facilities, services, utilities and intensity of use the proposed project is not compatible with adjacent land uses. **Land Use Table 2** illustrates adjacent land uses. Adjacent lands are primarily vacant. A large scale project like a power plant is not harmonious in scale, bulk, coverage and intensity with the adjacent vacant land. The proposed project lacks essential public facilities like water and fire service. In addition, an exemption to height limits cannot be granted if the MUP findings cannot be made.

With respect to compatibility with adjacent uses giving consideration to harmful effect, traffic generation, physical character of streets and site suitability the proposed project has limited compatibility with adjacent land uses. The basis for limited compatibility includes:

1. The project is being analyzed for environmental effect and impact on neighborhood character;
2. This sub-region of the San Luis Rey River has experienced human impact, as evidenced by the former quarry and dairies;
3. Minimal traffic generation, roadway capacity and acceptable access;
4. The project can be designed and engineered for the site.

Energy Commission staff considered the following two factors in determining “electrical facility”, as cited in Section 51238 (a) (1), includes power plants making the proposed project compatible with adjacent uses:

1. The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission’s standard request for local government input. The County’s letter states that the “the proposed project is compatible with the Agricultural Preserve (Pala #15).”
2. Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and are consistent with the County’s General Plan.

The required APA findings are provided herein.

- B. The proposed project is consistent with the SDGP as provided in the General Plan Regional Land Use Element Compatibility Matrix.
- C. Compliance with the requirements of CEQA is the purpose of the SA.

Section 4600 of the County of San Diego Zoning Ordinance regulates building height. The maximum permitted height of buildings for the two parcels is 35 feet and two stories. Section 4620 provides exemptions to height limit restrictions. It states that “any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.”

- D. San Diego County did not recommend height limitations for the proposed project. The County’s Zoning Ordinance does not provide alternate height limitations. The proposed 60 feet high structures are exempt from height limitations.

Agricultural Preserve Area:

Section 5100 of the County of San Diego Zoning Ordinance, establishes the “A” special regulation designator (Agricultural Preserve Area) for the subject parcels and Section 5110 establishes the required findings:

- A. State Statute. The proposed use complies with all provisions of the California Land Conservation Act of 1965; and

- B. Compatibility with Agricultural Use. The proposed use would not be incompatible with the continued agricultural use of any land within the agricultural preserve. This determination shall include a consideration of the following:
1. Possible increase in vandalism;
 2. Possible damage from pets;
 3. Possibility that use will lead to restrictions on agricultural spraying, noise or smell; and
 4. Possible interference with the movement of farm machinery or agricultural products.

Potential Agricultural Preserve Area Findings

- A. With respect to compliance with all the provisions of California Land Conservation Act (CLCA, Williamson Act), a geothermal power plant does not meet the intent and purpose of the CLCA with respect to agricultural preservation and conservation. Except as provided by CLCA, Section 51238 (a) (1), the project would conflict with CLCA because the proposed project does not meet the intent and purpose of agricultural preservation and conservation.

Energy Commission staff considered the following two factors in determining “electrical facility”, as cited in Section 51238 (a) (1), includes power plants making the proposed project compatible with adjacent uses:

1. The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission’s standard request for local government input. The County’s letter states that the “the proposed project is compatible with the Agricultural Preserve (Pala #15).”
2. Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and are consistent with the SDGP.

The required MUP findings are provided herein.

- B. With respect to compatibility of continued agricultural use, the proposed project is compatible with the continued agricultural use of lands within the agricultural preserve based on the following findings:
1. The subject site is in a California Department of Conservation mapped Farmland of Statewide Importance (refer to the **Agricultural Resources** discussion contained herein below). As discussed herein, **Agricultural Resources**, the subject site parcels are less than suitable for agricultural use.
 2. Continued agricultural use in the Agricultural Preserve is not likely considering that the SDGP Update depicts the property as Public/Semi-Public Facilities on the proposed SDGP Update Maps published on the County’s web site. In addition, the Gregory Canyon Landfill is proposed on one adjacent parcel and a large area within the vicinity of the project.

3. The proposed project is located in a rural area and an increase in vandalism is not likely, damage from pets is unlikely since the proposed project is non-residential, agricultural spraying is not proposed and will not interfere with the movement of farm machinery or agricultural products.

The Energy Commission must also adopt the APA and MUP findings for the proposed project to be in compliance with the LORS.

Flood Plain Area

A portion of the subject parcel has an "F" special regulation designator (Flood Plain Area). The project must be designed to minimize flooding and reduce the need for flood control facilities on properties within the 100-year flood plain (FEMA) pursuant to Section 5500 of the County of San Diego Zoning Ordinance

Section 5504

This section allows a parcel to be removed from the Flood Plain Designator. Pursuant to a public hearing initiated by the County, the flood plain designator shall be removed from any property no longer subject to inundation as a result of grading, landscaping, clearing or the construction of flood control structures or facilities in accordance with the provisions of Section 5512. The floodway will be adjusted in accordance with any changes therein resulting from such construction.

Section 5510

This section states that no building or structure shall be placed, erected, constructed, altered or enlarged within the area subject to the Flood Plain Area Regulations except in accordance with such regulations, with provisions of the San Diego County Code including but not limited to the Building Code (Chapter 1 of Title 5 of the San Diego County Code) applicable to areas subject to Inundation, and Division 8 of Title 8 of San Diego County Code applicable to drainage and watercourses.

Section 5512

This section states that no drainage or flood control channel or facility shall be placed, erected, constructed, reconstructed, altered or enlarged, provided, however, existing flood control structures or facilities may be repaired and maintained; and the following facilities may be placed, erected, constructed, reconstructed, altered or enlarged if such a facility would not unduly accelerate or increase the flow of water so as to create a condition which would be detrimental to the health or safety of persons or property. Subsection (e): Other Structures or facilities. Any similar drainage or flood control structure or facility which the Director of the Department of Sanitation and Flood Control determines would not unduly accelerate or increase the flow of water so as to create a condition which would be detrimental to the health or safety of persons or property.

Section 5516

This section states that except as provided in Section 5514, no permanent building or structure designed or used for human habitation or as a place of work or by the public shall be constructed, erected, or placed in a floodway.

Section 5518 provides provisions for non-human place of work as an exception to Section 5516. Similarly, Section 5520 provides provisions for temporary structures as an exception to Section 5516. In addition, Section 5522 provides provisions for materials storage as an exception to Section 5516.

To ensure compliance with the requirements of the County's Zoning Ordinance, the following conditions of certification are provided:

- The project must comply with applicable design criteria as provided in the Zoning Ordinance, Land Development regulations and Standards and other applicable public works regulations. Condition of Certification **LAND-1** requires compliance with County design criteria relative to flooding and flood control facilities.
- Condition of Certification **LAND-2** requires the proposed project's design, layout and engineering, to comply with the San Diego County Zoning Ordinance with respect to lot area, building type, building height, setbacks, lighting, fences, walls, screening, landscaping, enclosures and signs.

Land Use Table 3
Proposed Project's Consistency With
LORS Applicable to Land Use and Agriculture Resources

LORS		Consistency Determination	Basis for Consistency
Source	Policy and Strategy Descriptions		
State	California		
California Land Conservation Act of 1965 SS 51200	Regulates Agricultural Preserve lands.	YES	<p>Energy Commission staff considered the following two factors in determining "electrical facility", as cited in Section 51238 (a) (1), includes power plants making the proposed project compatible with adjacent uses:</p> <ol style="list-style-type: none"> 1. The County of San Diego, Department of Planning and Land Use, prepared a letter dated December 13, 2007, in response to the Energy Commission's standard request for local government input. The County's letter states that the "the proposed project is compatible with the Agricultural Preserve (Pala #15)." 2. Major Impact Services and Utilities are permitted in the zoning district by Major Use Permit and are consistent with the County's General Plan <p>The required APA and MUP findings are provided herein.</p>

LORS		Consistency Determination	Basis for Consistency
Source	Policy and Strategy Descriptions		
Local	San Diego County		
General Plan - Regional Land Use Element, Section 2.5	General Agriculture is the subject parcels' land use designation according to the Regional Land Use Element (RLUE) Section 2.5.	YES	The proposed project would not conflict with the San Diego County General Plan designation for the subject parcels. According to the General Plan Regional Land Use Element Compatibility Matrix, page II-50, A70 and A72 zoning is consistent with the (20) General Agriculture land use designation.
General Plan - Regional Land Use Element, Section 1.6	The proposed project site is designated as an Environmentally Constrained Area (ECA) in RLUE Section 1.6.	YES	The Conservation Element does not contain prohibitive land use planning policies with respect to an ECA.
General Plan - Conservation Element	Policy 2 in Chapter 6 of the Conservation Plan states that, "the County will analyze, improve and promote methods for preserving agriculture".	YES	The Conservation Element does not contain prohibitive land use planning policies with respect to preserving agriculture.
General Plan - Conservation Element	The conservation Plan identifies the planning area where the subject site is located as Resource Conservation Area (RCA) and Unique Geologic Feature (UGF).	YES	The Conservation Element does not contain prohibitive land use planning policies with respect to an RCA or UGF.
General Plan - Pala/Pauma Subregional Plan	Policies in this Plan are primarily concerned with urban sprawl and leapfrog development.	YES	The project does not promote urban sprawl and leapfrog development.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Zoning for the proposed OGP site is A72 General Agricultural. Section 2722 lists permitted uses in general agricultural zoning. Energy projects are permitted within this zoning with a Major Use Permit. Section 2725 lists types of uses that would be permitted upon approval of Major Use Permit findings and includes Major Impact Services and Utilities.	YES	Refer to the LORS COMPLIANCE, Land Use Planning Staff Analysis.

LORS		Consistency Determination	Basis for Consistency
Source	Policy and Strategy Descriptions		
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4200 regulates minimum lot area.	YES	According to the County's GIS property profile for APN 110-072-026 the minimum lot area is 10,000 square feet and for APN 110-370-01 the minimum lot area is 40 acres. The total acreage for the legal parcels is 55-acres.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4300 regulates building type.	YES	The building type for each parcel is attached and detached. The proposed project design conforms with these criteria.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4600 regulates building height. The maximum permitted height of buildings for the two parcels is 35 feet and two stories.	YES	Section 4620 provides exemptions to height limit restrictions: San Diego County did not recommend height limitations for the proposed project. The County's Zoning Ordinance does not provide alternate height limitations. The proposed 60 feet high structures are exempt from height limitations.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 4800 regulates setbacks. The front-yard setback for the two parcels is 60 feet from any abutting public street or private thoroughfare. The interior side-yard setback for the two parcels is 15 feet as measured from the lot line. The exterior side-yard setback for the two parcels is 35 feet as measured from the centerline of the abutting street. The rear-yard setback for the two parcels is 25 as measured from the rear lot line. Where a rear yard opens onto an alley, public park, or other permanent open space, 1/2 of the width of such alley, public park, or other permanent open space, may be considered as applying to the rear yard setback to the extent of not more than 50% of the required rear yard setback.	YES	The site's plot plan shows the proposed project's building footprint covering portions of APN 110-072-26 and APN 110-370-01. According to the regulations, the front-yard setback for each of these two parcels is 60 feet from any abutting public street or private thoroughfare. Since the project is accessed from Pala Del Norte Road, the front-yard setback for parcel 110-072-26 is measured from Pala Del Norte Road to the nearest building or structure. The nearest structure to the abutting Pala Del Norte Road is more than 60 feet. Similarly, the front-yard setback for parcel 110-370-01 is measured from SR-76, Pala Road to the nearest building or structure, which is more than 60 feet. The interior side-yard setback for the two parcels is 15 feet as measured from the lot-line. For

LORS		Consistency Determination	Basis for Consistency
Source	Policy and Strategy Descriptions		
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series) (cont.)			<p>parcel 110-072-26, the respective side-yard setbacks are measured from the parcel's lot lines to the north and south. For parcel 110-370-01, the respective side yards are measured from the east and west lot lines. The rear-yard setback is measured from the north property line. The parking lot to be located on parcel APN 110-370-01 and contiguous to the primary facilities is not in compliance with the established setback requirements. Section 4821 of the County's Zoning Ordinance supplants interior side-yard requirements, however. It states, "when the common lot line separating two or more contiguous lots is covered by a building or group of buildings, or when two or more such lots are used as a single building site, such lots shall constitute a single building site and the interior side yard setbacks required by an applicable setback designator shall then not apply to such common lot line." The proposed project meets side-yard setback requirements.</p> <p>For APN 110-072-26, the rear-yard is measured from the lot-line to the east. For APN 110-370-01, the rear-yard setback for the two parcels is 25 as measured from the rear lot line. The proposed project meets rear-yard setback requirements.</p>
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 5100 regulates Agricultural Preserve Area (APA).	YES	Refer to LORS Compliance of the Land Use Planning Staff Analysis.

LORS		Consistency Determination	Basis for Consistency
Source	Policy and Strategy Descriptions		
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 5500 regulates Flood Plain Area (FPA). The two parcels are partially designated as FPA. Buildings on such designated properties must be engineered to minimize impacts from flooding.	YES	Buildings on such designated properties must be engineered to minimize impacts from flooding.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6300 regulates commercial and industrial outdoor lighting.	YES	All lighting must conform and comply with the zoning ordinance and Light Pollution Control Code. The Visual Resources section of the Staff Assessment provides the required findings.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6700 regulates fences, walls, screening and landscaping.	YES	All fences, walls, screening and landscaping must conform and comply with the zoning ordinance.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6750 regulates parking.	YES	All parking must conform and comply with the zoning ordinance.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6800 regulates enclosures. Enclosure means the degree that the storage and display of goods may be open and/or visible from public rights-of-way.	YES	All enclosures must conform and comply with the zoning ordinance.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 6200 & 6250 regulates signs.	YES	All signs must conform and comply with the zoning ordinance.
The Zoning Ordinance of San Diego County Ordinance No. 5281 (New Series)	Section 7350 provides use permit procedures.	YES	Findings for the Major Use Permit are found in the LORS COMPLIANCE of Land Use Planning Staff Analysis.

CONCLUSIONS AND RECOMMENDATIONS

The land use analysis for the proposed project focused on two main issues; (1) would the proposed project conflict with land use planning and agriculture resources impact(s) according to the CEQA, and (2) would the project comply with applicable LORS pertaining to local land use and agriculture resources.

- The project may generate an adverse environmental impact related to land use introduced by unmitigated air quality, noise, public health hazard, or water supply impacts to surrounding properties. For a more detailed discussion see the **AIR QUALITY, NOISE AND VIBRATION, PUBLIC HEALTH, VISUAL RESOURCES** and **SOIL AND WATER RESOURCES** sections in this SA.
- The subject project site would not physically divide an established community. The nearest established community to the project site is the Pala Indian Reservation which is approximately 1.5 miles east from the project site.
- The proposed project does not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- The proposed project may conflict with any applicable habitat conservation plan or natural community conservation plan. The proposed project falls under the jurisdiction of the North County Community Conservation Plan and Multiple Species Conservation Program. Consistency with this plan is further discussed in the **BIOLOGICAL RESOURCES** section of the SA.
- The proposed project involves the conversion of land shown as “Farmland of Local Importance” on a map prepared by the California Department of Conservation, Farmland Mapping and Monitoring Program. Staff completed a California Agricultural LESA Model worksheet for the proposed project site. The LESA score for the project site was 23.99 points which is not considered significant by the model’s scoring threshold. The project would not cause any direct, indirect, cumulative agriculture resources impact.
- The project site does not involve land that has an executed Williamson Act contract and does not conflict with existing zoning for agricultural use.
- Within a six-mile radius of the project site there is not an identified minority population or low-income population of greater than 50%. The proposed project does not introduce a significant land use planning or agriculture resources impact related to an environmental justice issue.
- The construction and operation of the project with the effective implementation of the mitigation measures identified by the project owner and staff’s recommended conditions of certification contained herein the SA, would not cause any direct, indirect or cumulative adverse land use planning and agriculture resources impacts, and would ensure conformance with the applicable county LORS pertaining to land use.
- The proposed project site is in compliance with applicable LORS pertaining to CLCA.

- The proposed project site is in compliance with applicable LORS pertaining to the SDGP land uses.
- The proposed project site is in compliance with applicable LORS pertaining to the SDGP Conservation Element with the effective implementation of the conditions of certifications.
- The proposed project site is in compliance with applicable LORS pertaining to zoning with the effective implementation of the conditions of certifications.

PROPOSED CONDITIONS OF CERTIFICATION

LAND-1 The project owner shall design the project according to applicable San Diego County Design practices and policies and applicable County approved building codes.

Verification: At least sixty (60) days prior to the start of construction, the project owner shall submit to the Compliance Project Manager (CPM) applicable design standards and building codes and evidence of design review and building inspection by the County of San Diego Environmental Health, Public Works, Planning and Land Use (Building) Departments and Chief Building Official.

LAND-2 The project owner shall design and construct the project in accordance to the standards found in the San Diego County Zoning Ordinance with respect to lot area, building type, building height, setbacks, lighting, fences, walls, screening, landscaping, enclosures and signs. The project owner shall provide a table of applicable Zoning Ordinance standards and criteria pertaining to lot area, building type, building height, setbacks, lighting, fences, walls, screening, landscaping, enclosures and signs and basis for compliance with each.

Verification: At least sixty (60) days prior to the start of construction the project owner shall submit the referenced table to the Compliance Project Manager and Chief Building Official (CBO). The CBO shall review the table and building design plans and certify compliance with the Zoning Ordinance standards and criteria. If the CBO cannot certify a particular standard or criteria because compliance cannot be determined, the project owner shall provide a reasonable timeframe of when such standard or criteria can be determined in compliance. The project cannot commence construction until all standards and criteria are met, unless such matter is minor in nature and authorization is granted by the CPM.

REFERENCES

COSD1979 and 2003 - County of San Diego General Plan. County of San Diego Department of Planning and Land Use, Regional Land Use Element. January 3, 1979 and as amended December 10, 1983.

COSD1975 and 2002 - County of San Diego General Plan. County of San Diego Department of Planning and Land Use, Conservation Element, December 10, 1975 and as amended April 17, 2002.

COSD1979 and 2003 - County of San Diego General Plan. County of San Diego Department of Planning and Land Use, Pala/Pauma Subregional Plan. January 3, 1979 and as amended May 7, 1986.

COSD 1978 & 2008- County of San Diego Zoning Ordinance. County of San Diego Department of Planning and Land Use. December 19, 1978 and updated through Ordinance update No. 76, September 2008.

COSD Present- County of San Diego Department of Planning and Land Use. GIS Mapping Application. <http://gis.co.san-diego.ca.us/imf/sites/property/index.jsp>.

OGE2008a – OGE/S. Thome (tn46770) Application for Certification Orange Grove Energy dated 6/19/08. Submitted to Dockets 6/19/08.

USDA 2008 - United States Department of Agriculture (USDA), Natural Resources Conservation Service Web Soil Survey, 2008 (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>).

USDA 1973 - Soil Survey for San Diego, California, 1973.

CDC 2006 – California Department of Conservation (CDC), Farmland Mapping and Monitoring Program, San Diego County Important Farmland Map.

COSD2007 – County of San Diego. Department of Planning and Land Use letter dated December 13, 2007.

LAND USE
Appendix LU-1

OGP Site LESA Model Worksheet

Appendix A. California Agricultural LESA Worksheet

The California Agricultural LESA Model is composed of six different factors. Two "Land Evaluation" factors are based upon measures of soil resource quality. Four "Site Assessment" factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project's potential significance, based upon a range of established scoring thresholds. The California Agricultural LESA Instruction Manual found at the California Department of Conservation, Division of Land Resource Protection website provides detailed instructions on how to complete the LESA worksheet.

Calculation of the Land Evaluation (LE) Score

Part 1. Land Capability Classification (LCC) Score

- (1) Determine the total acreage of the project.
- (2) Determine the soil types within the project area and enter them in **Column A** of the **Land Evaluation Worksheet** provided on page A-2.
- (3) Calculate the total acres of each soil type and enter the amounts in **Column B**.
- (4) Divide the acres of each soil type (**Column B**) by the total acreage to determine the proportion of each soil type present. Enter the proportion of each soil type in **Column C**.
- (5) Determine the LCC for each soil type from the applicable Soil Survey and enter it in **Column D**.
- (6) From the LCC Scoring Table below, determine the point rating corresponding to the LCC for each soil type and enter it in **Column E**.

LCC Scoring Table

LCC Class	I	Ile	Ils, w	IIle	IIIs, w	IVe	IVs, w	V	Vle, s, w	Vlle, s, w	VIII
Points	100	90	80	70	60	50	40	30	20	10	0

- (7) Multiply the proportion of each soil type (**Column C**) by the point score (**Column E**) and enter the resulting scores in **Column F**.
- (8) Sum the LCC scores in **Column F**.
- (9) Enter the LCC score in box <1> of the Final LESA Score Sheet on page A-10.

Part 2. Storie Index Score

- (1) Determine the Storie Index rating for each soil type and enter it in **Column G**.
- (2) Multiply the proportion of each soil type (**Column C**) by the Storie Index rating (**Column G**) and enter the scores in **Column H**.
- (3) Sum the Storie Index scores in **Column H** to gain the Storie Index Score.
- (4) Enter the Storie Index Score in box <2> of the Final LESA Score Sheet on page A-10.

Land Evaluation Worksheet
Land Capability Classification (LCC) and Storie Index Scores

A	B	C	D	E	F	G	H
Soil Map Unit	Project Acres	Proportion of Project Area	LCC	LCC Rating	LCC Score	Storie Index	Storie Index Score
StG	9	0.163636364	VIIe	0	0	<10	1.636364
LrE	30	0.545454545	VIe	20	10.90909	24	13.09091
LrG	16	0.290909091	VIIe	10	2.909091	8	2.327273
TuB	negligible						
Totals	55	1.00		LCC Total Score	10.91	Storie Index Total Score	17.05

(Must Sum To 1.0)

Site Assessment Worksheet 1.
Project Size Score

I	J	K
LCC Class I - II	LCC Class III	LCC Class IV- VIII
		9
		30
		16
		55

Total Acres

Project Size Scores

Highest Project Size Score

		20
--	--	----

20

Part 1. Project Size Score

- (1) Using **Site Assessment Worksheet 1** provided on page A-2, enter the acreage of each soil type from **Column B** in the **Column I, J or K** that corresponds to the LCC for that soil. (Note: While the Project Size Score is a component of the Site Assessment calculations, the score sheet is an extension of data collected in the Land Evaluation Worksheet, and is therefore displayed beside it.)
- (2) Sum **Column I** to determine the total amount of class I and II soils on the project site.
- (3) Sum **Column J** to determine the total amount of class III soils on the project site.
- (4) Sum **Column K** to determine the total amount of class IV and lower soils on the project site.
- (5) Compare the total score for each LCC group in the Project Size Scoring Table below and determine which group receives the highest score.

Project Size Scoring Table

Class I or II			Class III			Class IV or Lower	
Acreage	Points		Acreage	Points		Acreage	Points
>80	100		>160	100		>320	100
60-79	90		120-159	90		240-319	80
40-59	80		80-119	80		160-239	60
20-39	50		60-79	70		100-159	40
10-19	30		40-59	60		40-99	20
10<	0		20-39	30		40<	0
			10-19	10			
			10<	0			

- (6) Enter the **Project Size Score** (the highest score from the three LCC categories) in box <3> of the Final LESA Score Sheet on page A-10.

Part 2. Water Resource Availability Score

- (1) Determine the type(s) of irrigation present on the project site, including a determination of whether there is dry land agricultural activity as well.
- (2) Divide the site into portions according to the type or types of irrigation or dry land cropping that is available in each portion. Enter this information in **Column B** of **Site Assessment Worksheet 2 - Water Resources Availability** provided on page A-5.
- (3) Determine the proportion of the total site represented for each portion identified, and enter this information in **Column C**.
- (4) Using the Water Resources Availability Scoring Table provided on page A-6, identify the option that is most applicable for each portion, based upon the feasibility of irrigation in drought and non-drought years, and whether physical or economic restrictions are likely to exist. Enter the applicable Water Resource Availability Score into **Column D**.
- (5) Multiply the Water Resource Availability Score for each portion by the proportion of the project area it represents to determine the weighted score for each portion in **Column E**.
- (6) Sum the scores for all portions to determine the project's total Water Resources Availability Score.
- (7) Enter the Water Resource Availability Score in box <4> of the Final LESA Score Sheet on page A-10.

Site Assessment Worksheet 2.
Water Resource Availability

A	B	C	D	E
Project Portion	Water Source	Proportion of Project Area	Water Availability Score	Weighted Availability Score (C x D)
1	Well	1	90	90
2				
3				
4				
5				
6				
		1.00	Total Water Resource Score	90.00

(Must Sum to 1.0)

Water Resource Availability Scoring Table

Option	Non-Drought Years				Drought Years			WATER RESOURCE SCORE
	RESTRICTIONS				RESTRICTIONS			
	Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions ?		Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions?	
1	YES	NO	NO		YES	NO	NO	100
2	YES	NO	NO		YES	NO	YES	95
3	YES	NO	YES		YES	NO	YES	90
4	YES	NO	NO		YES	YES	NO	85
5	YES	NO	NO		YES	YES	YES	80
6	YES	YES	NO		YES	YES	NO	75
7	YES	YES	YES		YES	YES	YES	65
8	YES	NO	NO		NO	--	--	50
9	YES	NO	YES		NO	--	--	45
10	YES	YES	NO		NO	--	--	35
11	YES	YES	YES		NO	--	--	30
12	Irrigated production not feasible, but rainfall adequate for dry land production in both drought and non-drought years.							25
13	Irrigated production not feasible, but rainfall adequate for dry land production in non-drought years but not in drought years).							20
14	Neither irrigated nor dry land production feasible.							0

Part 3. Surrounding Agricultural Land Use Score

(1) Calculate the project's Zone of Influence (ZOI) as follows:

(a) a rectangle is drawn around the project such that the rectangle is the smallest that can completely encompass the project area.

(b) a second rectangle is then drawn which extends one quarter mile (1,320 feet) on all sides beyond the first rectangle.

(c) The ZOI includes all parcels that are contained within or are intersected by the second rectangle, less the area of the project itself.

(2) Sum the area of all parcels to determine the total acreage of the ZOI.

(3) Determine which parcels are in agricultural use and sum the areas of these parcels.

(4) Divide the area in agriculture found in step (3) by the total area of the ZOI found in step (2) to determine the percent of the ZOI that is in agricultural use.

(5) Determine the Surrounding Agricultural Land Score utilizing the Surrounding Agricultural Land Scoring Table below.

Surrounding Agricultural Land Scoring Table

Percent of ZOI in Agriculture	Surrounding Agricultural Land Score
90-100	100
80-89	95
70-79	90
65-69	85
60-64	80
55-59	70
50-54	60
45-49	50
40-44	40
35-39	30
30-34	20
20-29	10
<19	0

(6) Enter the Surrounding Agricultural Land Score in box <5> of the Final LESA Score Sheet on page A-10.

Part 4. Surrounding Protected Resource Land Score

The Surrounding Protected Resource Land scoring relies upon the same Zone of Influence information gathered in Part 3, and figures are entered in Site Assessment Worksheet 3, which combines the surrounding agricultural and protected lands calculations.

- (1) Use the total area of the ZOI calculated in Part 3 for the Surrounding Agricultural Land Use score.
- (2) Sum the area of those parcels within the ZOI that are protected resource lands, as defined in the LESA Instruction Manual (e.g., Williamson Act contracted lands, publicly owned lands maintained as park, forest, or watershed resources).
- (3) Divide the area that is determined to be protected in step (2) by the total acreage of the ZOI to determine the percentage of the surrounding area that is under resource protection.
- (4) Determine the Surrounding Protected Resource Land Score utilizing the Surrounding Protected Resource Land Scoring Table below.

Surrounding Protected Resource Land Scoring Table

Percent of ZOI Protected	Protected Resource Land Score
90-100	100
80-89	95
70-79	90
65-69	85
60-64	80
55-59	70
50-54	60
45-49	50
40-44	40
35-39	30
30-34	20
20-29	10
<20	0

- (5) Enter the Surrounding Protected Resource Land score in box <6> of the Final LESA Score Sheet on page A-10.

Surrounding Agricultural Land and Surrounding Protected Resource Land

A	B	C	D	E	F	G
Zone of Influence					Surrounding Agricultural Land Score (from table on page A-7)	Surrounding Protected Resource Land Score (from table on page A-8)
Total Acres	Acres in Agriculture	Acres of Protected Resource Land	Percent in Agriculture (B/A)	Percent Protected Resource Land (C/A)		
43	0	0	0	0	0	0
50	0	0	0	0	0	0
30	0	0	0	0	0	0
40	0	22	0	0.55	0	70
73	5	65	0.068493151	0.890410959	0	95
42	0	42	0	1	0	100
21	0	0	0	0	0	0

44	0	0	0	0	0	0
45	0	0	0	0	0	0
43	0	0	0	0	0	0
431	5	129	0.068493151	0.299303944	0	10

Final LESA Score Sheet

Calculation of the Final LESA Score

- (1) Multiply each factor score by the factor weight to determine the weighted score and enter in Weighted Factor Scores column.
- (2) Sum the weighted factor scores for the LE factors to determine the total LE score for the project.
- (3) Sum the weighted factor scores for the SA factors to determine the total SA score for the project.
- (4) Sum the total LE and SA scores to determine the Final LESA Score for the project.

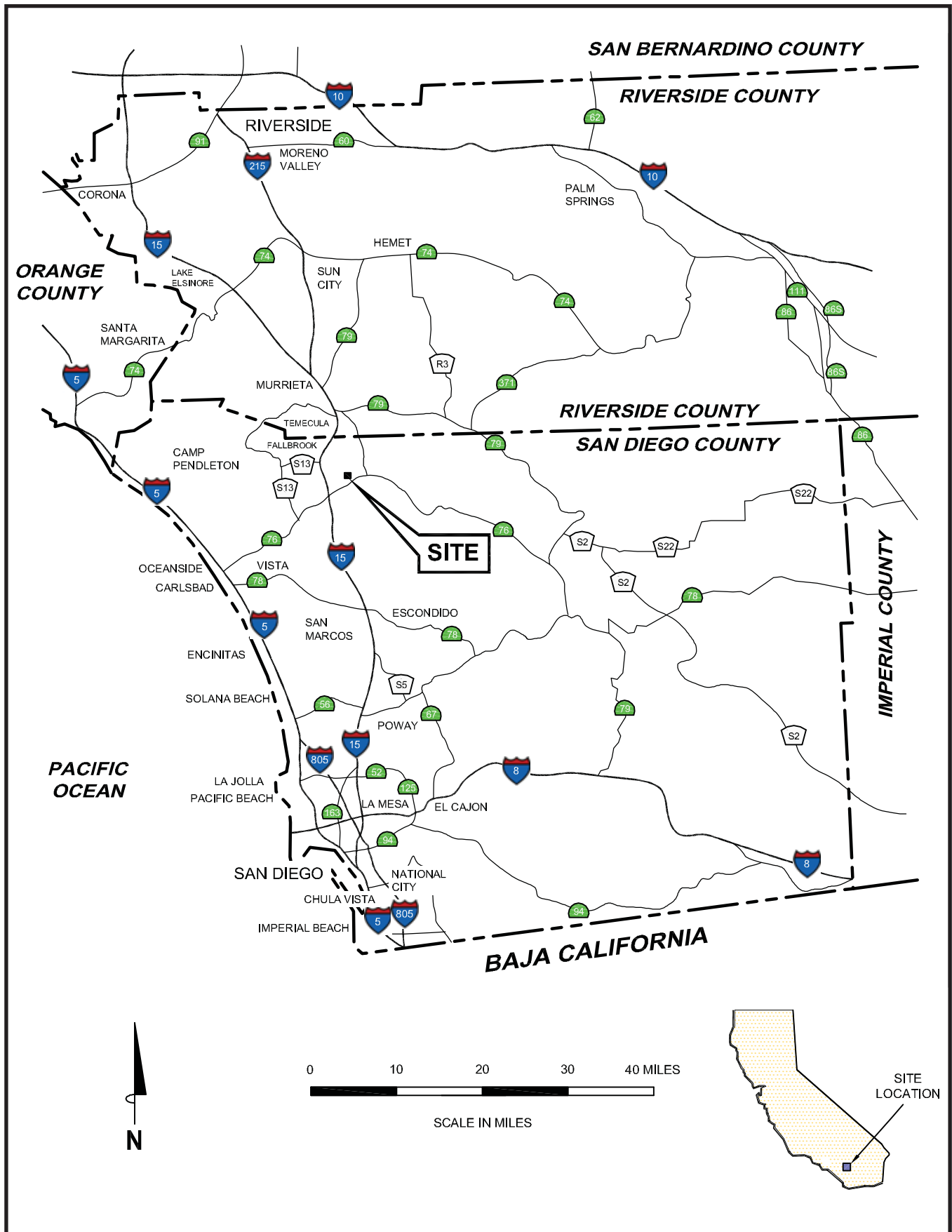
		Factor Scores	Factor Weight	Weighted Factor Scores
<u>LE Factors</u>				
Land Capability Classification (see page A-2)	<1>	10.91	0.25	2.7275
Storie Index Rating (see page A-2)	<2>	17.05	0.25	4.2625
<i>LE Subtotal</i>			0.50	6.99
<u>SA Factors</u>				
Project Size (see page A-2)	<3>	20	0.15	3
Water Resource Availability (see page A-5)	<4>	90	0.15	13.5
Surrounding Agricultural Land (see page A-9)	<5>	0	0.15	0
Surrounding Protected Resource Land (see page A-9)	<6>	10	0.05	0.5
<i>SA Subtotal</i>			0.50	17
Final LESA Score				23.99

California Agricultural LESA Scoring Thresholds

Total LESA Score		Scoring Decision
0 to 39 points		Not Considered Significant
40 to 59 points		Considered Significant <u>only</u> if LE <u>and</u> SA subscores are each <u>greater</u> than or equal to 20 points
60 to 79 points		Considered Significant <u>unless</u> either LE <u>or</u> SA subscore is <u>less</u> than 20 points
80 to 100 points		Considered Significant

The California Agricultural LESA Model is designed to make determinations of the potential significance of a project's conversion of agricultural lands during the Initial Study phase of the CEQA review process. Scoring thresholds are based upon both the total LESA score as well the component LE and SA subscores. In this manner the scoring thresholds are dependent upon the attainment of a minimum score for the LE and SA subscores so that a single threshold is not the result of heavily skewed subscores (i.e., a site with a very high LE score, but a very low SA score, or vice versa). For additional information on the significance scoring thresholds under the California Agricultural LESA Model, consult Section 4 in the LESA Instruction Manual.

LAND USE - FIGURE 1
 Orange Grove Project - Proposed Project Location Map

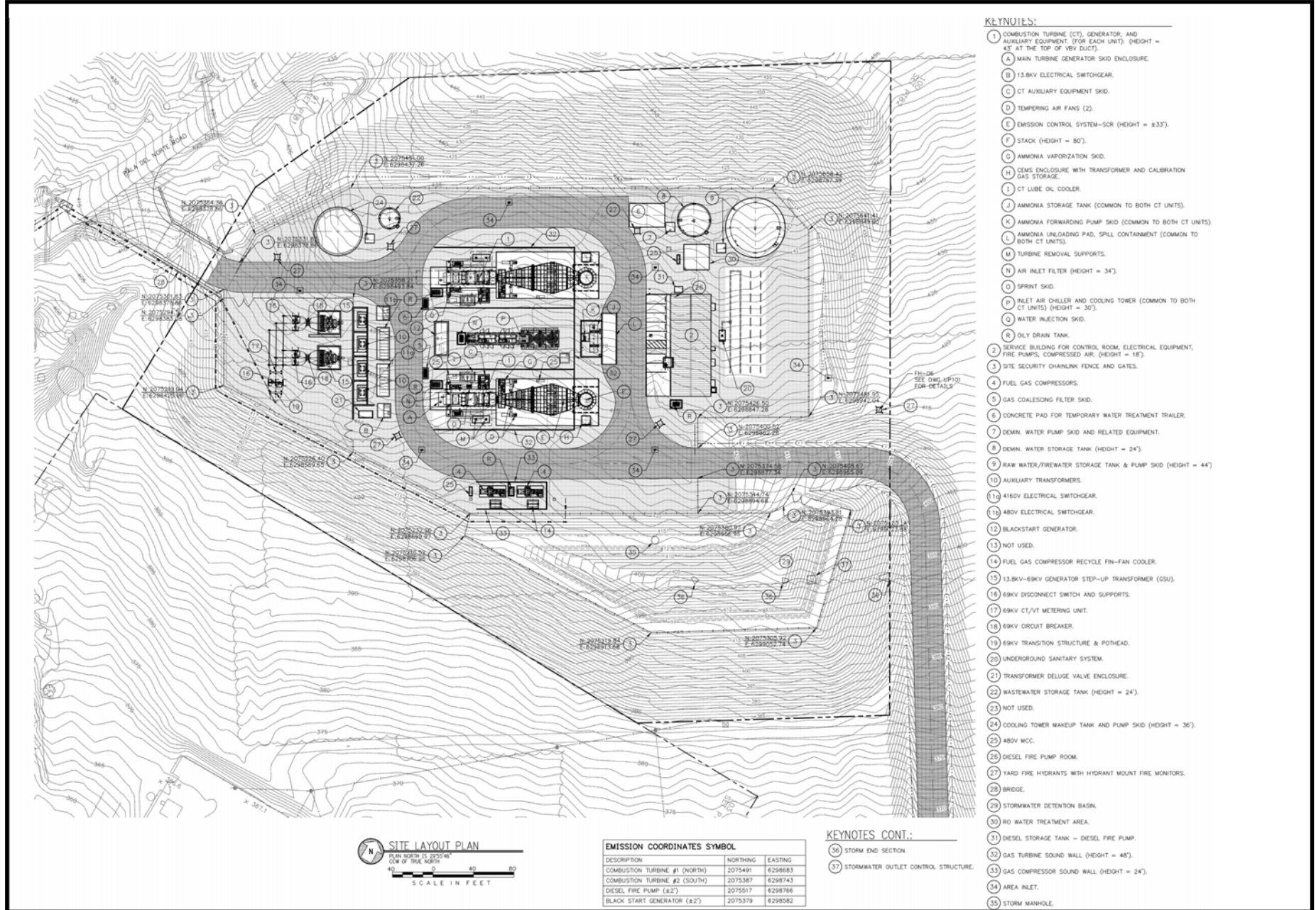


CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION, NOVEMBER 2008
 SOURCE: AFC Figure 1.1-1

LAND USE - FIGURE 2 Orange Grove Project - Plot Plan

NOVEMBER 2008

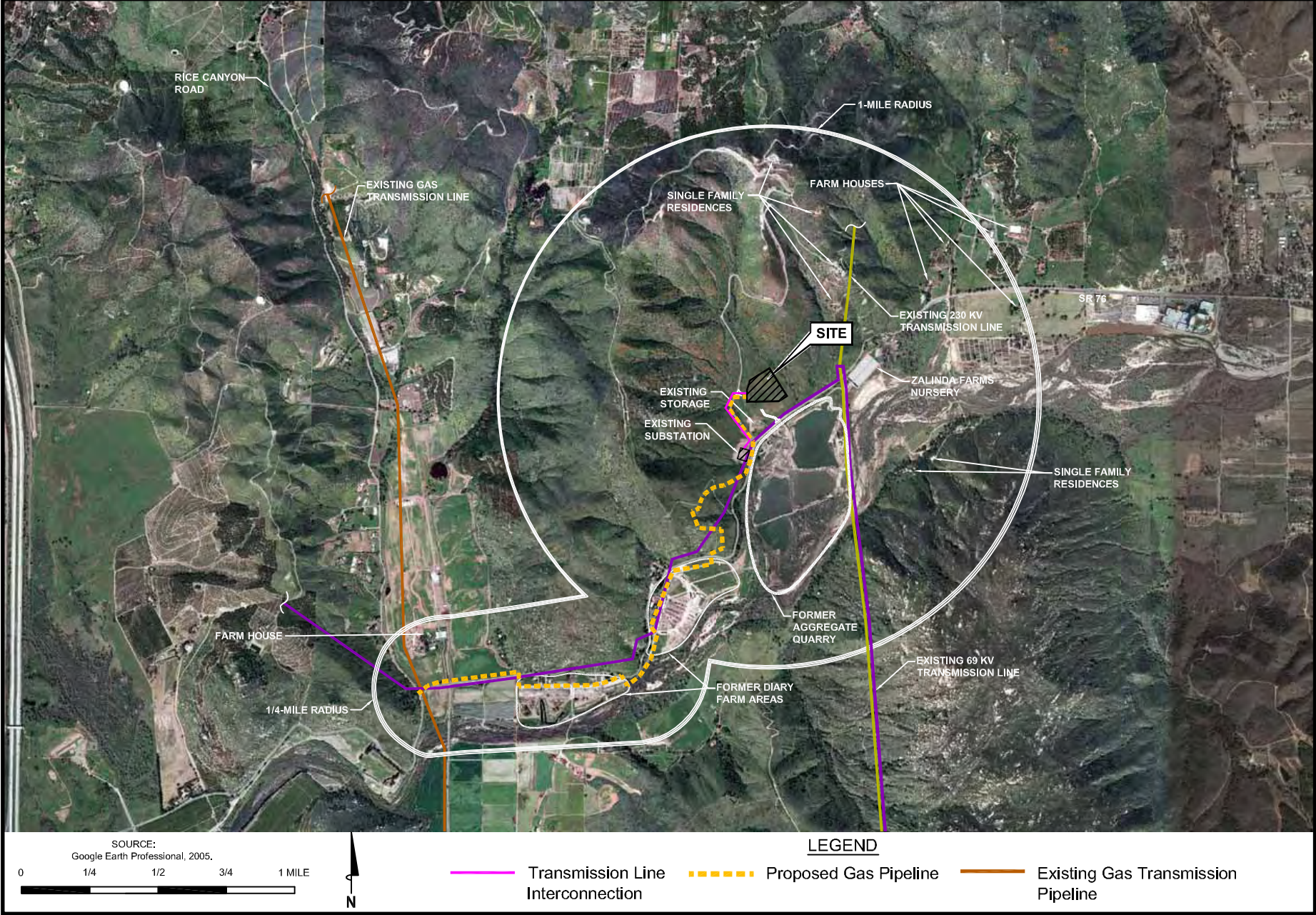
LAND USE



NOVEMBER 2008

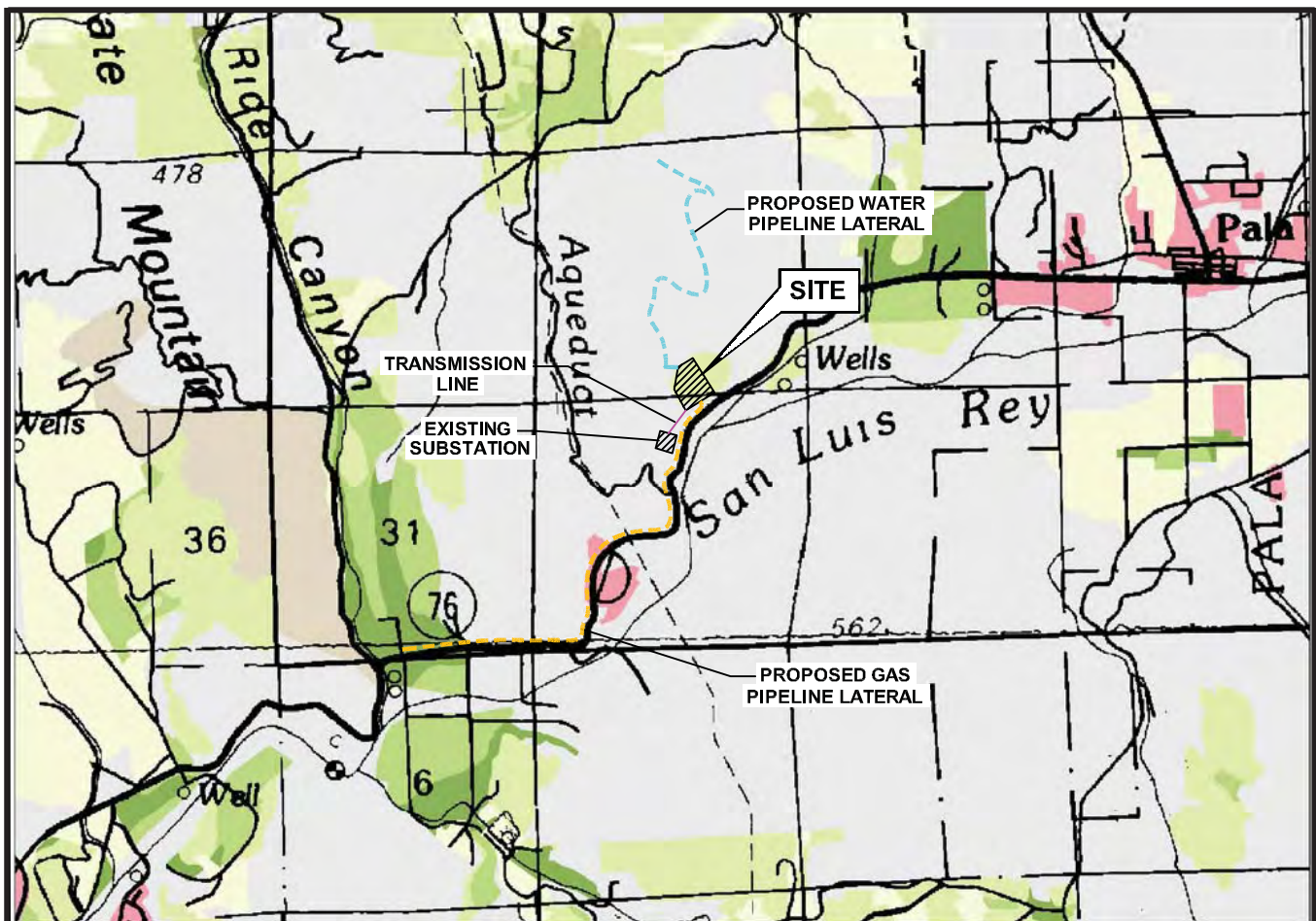
LAND USE

LAND USE - FIGURE 3
Orange Grove Project - Aerial View of Project Site & Vicinity



LAND USE - FIGURE 4

Orange Grove Project - CA Dept. of Conservation, Important Farmland Map



LEGEND

Prime Farmland	Grazing Land
Farmland of Statewide Importance	Urban and Built-Up Land
Unique Farmland	Other Land
Farmland of Local Importance	

SOURCE:
Department of Conservation, Division of
Land Resource Protection, 2006.

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION, NOVEMBER 2008

SOURCE: AFC Figure 6.4-3

NOVEMBER 2008

LAND USE